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Attorneys for Defendants  
PROTIVA BIOTHERAPEUTICS, INC.  
and MARK J. MURRAY

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIRNA THERAPEUTICS, INC.,

Plaintiff,

v.

PROTIVA BIOTHERAPEUTICS, INC.,  
and MARK J. MURRAY,

Defendants.

Case No. C 06-01361 MMC

**JOINT STIPULATION AND  
~~[PROPOSED]~~ ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE**

1 The parties herein, by and through their counsel of record, hereby stipulate and agree as  
2 follows:

3 WHEREAS, because defendants Protiva Biotherapeutics, Inc. and Mark J. Murray has  
4 filed a Motion to Dismiss scheduled for hearing on November 17, 2006 and for the purpose of  
5 judicial economy and efficiency, the parties respectfully request the Court to continue the initial  
6 Case Management Conference to the date of the Motion to Dismiss hearing and to continue the  
7 associated dates as set forth below.

8 NOW, THEREFORE, the parties request that the Court order the following:

9 (1) on or before October 27, 2006, the parties will meet and confer to establish a  
10 case management schedule;

11 (2) on or before November 9, 2006, the parties will file a Joint Case Management  
12 Statement with the Court, which shall either propose deadlines that have been agreed to by the  
13 parties or shall set forth each of the parties' separate views on the deadlines to be established;  
14 and

15 (3) the Case Management Conference is continued to November 17, 2006.

16 SO STIPULATED.

17 Dated: September 22, 2006

O'MELVENY & MYERS LLP

18  
19 By: /s/ Meredith N. Landy  
Meredith N. Landy

20  
21 Attorneys for Plaintiff  
SIRNA THERAPEUTICS, INC.

22  
23 Dated: September 22, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

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25 By: /s/ Elizabeth A. Howard  
Elizabeth A. Howard

26  
27 Attorneys for Defendants  
PROTIVA BIOTHERAPEUTICS, INC.  
28 and MARK J. MURRAY

**CERTIFICATION OF CONCURRENCE**

I hereby attest that concurrence in the filing of this document has been obtained from counsel for defendants, Elizabeth A. Howard.

Dated: September 22, 2006

O'MELVENY & MYERS LLP

By: /s/ Meredith N. Landy  
Meredith N. Landy

Attorneys for Plaintiff  
SIRNA THERAPEUTICS, INC.

**ORDER**

IT IS SO ORDERED.

Dated: September 22, 2006



The Honorable Maxine M. Chesney  
United States District Judge